

Exhibit H-1

“Informal, BP-8”

Response to Informal Resolution Form

Inmate: **SCHULTE, Joshua**
Register Number: **79471-054**

This is in response to your March 6, 2019 Informal Resolution Form, in which you request greater access to television.

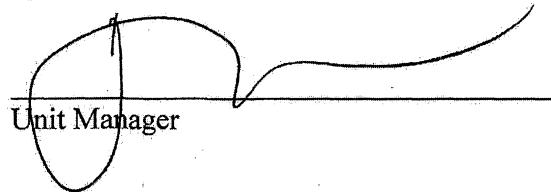
A television is provided for your viewing during your recreation periods. There are no inmates at this facility with televisions in their cells.

If you are not satisfied with this response, you may address your grievance through the administrative remedy program.

3/20/2019

Date

Unit Manager

A handwritten signature in black ink, appearing to read "J. [Signature]". The signature is fluid and cursive, with a large, stylized letter 'J' at the beginning.

NYM 1330.7
ATTACHMENT 1

METROPOLITAN CORRECTIONAL CENTER, NEW YORK
ADMINISTRATIVE REMEDY PROCEDURE FOR INMATES

INFORMAL RESOLUTION FORM (BP-8)

NOTE TO INMATE: With the exception of sensitive issues and DHO appeals, you are advised that prior to receiving and filing a Request for Administrative Remedy Form BP229(13) (old BP-9), you MUST attempt to informally resolve your complaint through your correctional counselor. Additionally, in accordance with P.S. 1330.13, you have the responsibility to present complaints in good faith and in an honest and straightforward manner. Before completing this form, you should make every effort to honestly attempt to informally resolve this matter verbally with staff. Briefly state ONE complaint below and list what efforts you have made to resolve your complaint informally.

Date form issued and initials of Corr. Counselor: _____

INMATE'S COMMENTS:

1. Complaint: Arbitrary TV removal on SAMs: Access to a TV is certainly not a right; however, granting all inmates access to 15 hours of TV each day, EXCEPT SAMs inmates is arbitrary, unconstitutional punishment. SAMs inmates must have the same access to TV and movies — most sentenced inmates have TVs in their cells. Why would sentenced inmates be denied TVs in their cells when convicted felons get them? ESPECIALLY given the harsh nature of solitary confinement and denial of use of the library, SAMs inmates should be permitted TVs in their cells
2. Efforts made by you to informally resolve: On Tuesday, Nov. 27th I sent a list of 35 unconstitutional issues that were reviewed by the Warden. I was told the issues would be addressed, but none were.
3. Names of staff you contacted/Date you contacted the staff: Proto, Warden, 11/27/16

Date returned to Correctional Counselor: _____

Schulte, Joshua 74471054 3/6/19
Inmate's Name Register Number Date

CORRECTIONAL COUNSELOR'S COMMENTS

1. Efforts made to informally resolve and staff contacted: _____

Date informally resolved: _____ Counselor Signature: _____

Date BP-229(13) Issued: _____

Unit Manager: _____

Exhibit H-2

“MCC, BP-9”

RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY - PART B

Inmate Name: **SCHULTE, Joshua**
Reg. No. **79471-054**
Administrative Remedy Id.: **974088-F1**

This is in response to your Request for Administrative Remedy dated April 11, 2019, wherein you state access to a television is certainly not a right, but granting all inmates access to 15 hours of television each day except for SAMS inmates is arbitrary, unconstitutional punishment. You are requesting television in cells for SAMS inmates.

Program Statement 5370.11, Recreation Programs, Inmate, does permit in cell television viewing for inmates housed in cells on a regular and continuous basis (e.g., USP Marion, and ADX Florence, etc.). However, this is intended for inmates that are designated to facilities that are designed and built with this capability. MCC New York was primarily designed to house pre-trial and holdover inmates, and was not built with the infrastructure to support in-cell television viewing in 10 South or elsewhere in the Special Housing Unit.

Based on the above information, the relief you seek is denied.

If you are dissatisfied with this response, you may appeal to the Regional Director, Northeast Region, Federal Bureau of Prisons, Northeast Regional Office, U.S. Customs House - 7th Floor, 2nd & Chestnut Streets, Philadelphia, PA 19106, within 20 calendar days of the date of this response.

7/24/19
Date

fa 
L. N. Diaye, Warden

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Schulte, Joshua A REG. NO. 74471054 UNIT 105 INSTITUTION MCC
LAST NAME, FIRST, MIDDLE INITIAL

Part A- INMATE REQUEST

Arbitrary TV removal on SAMs: Access to a TV is certainly not a right, but granting all inmates access to 15 hours of TV each day EXCEPT SAMs inmates is arbitrary, unconstitutional punishment. SAMs inmates must have the same access to TV and movies—most sentenced inmates have TVs in their cells. Why would pretrial inmates be denied TVs in their cells when convicted felons get them? The BP-8 response was "There are no inmates at this facility with television in their cells"; which is true—but the other inmates aren't tortured in solitary confinement either. All inmates under SAMs at ADX have TVs in their cells—and in fact it seems to be BOP policy for SAMs inmates to have TVs.

3/28/19

DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



Exhibit H-3

“Regional, NE”

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MAY 16, 2019

ek

JUN 7th
RCW/P
RECEIVED

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054
NEW YORK MCC UNT: 9 QTR: Z02-201LAD
150 PARK ROW
NEW YORK, NY 10007

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 977815-R1 REGIONAL APPEAL
DATE RECEIVED : MAY 10, 2019
SUBJECT 1 : OTHER OPERATIONS
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: YOU MUST FIRST FILE A BP-9 REQUEST THROUGH THE INSTITUTION
FOR THE WARDEN'S REVIEW AND RESPONSE BEFORE FILING AN APPEAL
AT THIS LEVEL.

U.S. Department of Justice

Federal Bureau of Prisons

Regional Administrative Remedy Appeal

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Schulte, Joshua A

LAST NAME, FIRST, MIDDLE INITIAL

79471054

LPS

REG. NO.

UNIT

INSTITUTION

MCC

Part A - REASON FOR APPEAL Request same privileges granted sentenced SAMs inmates — TVs. I did not receive a response to my BP-9 filed on 3/28/19 and it has exceeded the 20-day time limitation. The MCC arbitrarily denies SAMs inmates access to televisions. At MCC, other pretrial inmates have access to televisions for about 15 hours each day whereas SAMs inmates are restricted to a maximum of one hour per day during the week; zero hours on the weekend. Additionally, all other inmates get access to institutional movies and other special content that SAMs inmates do not receive. This denial to SAMs inmates is arbitrary, and therefore punitive, violating the 5th amendment's due process clause. SAMs inmates must have access to televisions in their cages. In response to my BP-8, the MCC says that "There are no inmates at this facility with televisions in their cells." While true, no other inmates are exposed to solitary confinement and the extreme psychological torture associated with this savagery. To be sure, every SAMs inmate would rather NOT have a TV in their cage and instead be free of solitary confinement. Since the government instead believes in torture, the next best thing is simply to provide TVs to pretrial SAMs inmates. Additionally, sentenced SAMs inmates in the BOP have access to televisions in their cells. Therefore, there can be absolutely no excuse as to why sentenced inmates receive better treatment than pretrial inmates.

5/1/19

DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

RETURNED6/7

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 977815R1

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

USP LVN



PRINTED ON RECYCLED PAPER

Exhibit H-4

“Central Office”

REJECTION NOTICE - ADMINISTRATIVE REMEDY

RWD 7/30

DATE: JULY 19, 2019

Jt
FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054
NEW YORK MCC UNT: 9 QTR: Z07-301LAD
150 PARK ROW
NEW YORK, NY 10007

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 977815-A1 CENTRAL OFFICE APPEAL
DATE RECEIVED : JUNE 20, 2019
SUBJECT 1 : OTHER OPERATIONS
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: CONCUR WITH RATIONALE OF REGIONAL OFFICE AND/OR INSTITUTION
FOR REJECTION. FOLLOW DIRECTIONS PROVIDED ON PRIOR REJECTION
NOTICES.

Jt

ATTENTION: NO BALLPOINT PEN*

AS A SAMS INMATE HELD IN
SOLITARY CONFINEMENT, I HAVE
NO ACCESS TO A BALLPOINT PEN OR
PHOTOCOPIER.

U.S. Department of Justice

Federal Bureau of Prisons

Central Office Administrative Remedy Appeal

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Schulze, Joshua A
LAST NAME, FIRST, MIDDLE INITIAL

79471054

REG. NO.

IDS

UNIT

MCC

INSTITUTION

Part A - REASON FOR APPEAL Request Same Privileges granted Sentenced SAMs inmates — TVs: My BP-10 received by Regional on 5/10 was denied 5/16 and returned to me on June 7th, claiming I must first file a BP-9. However I clearly detailed in the BP-10 that I filed a BP-9 on 3/28/19, and have not yet received a response. 28 CFR 542.18 dictates that when the warden does not respond to the BP-9 within 20 calendar days, then it is considered a denial and therefore appealable. Hence, my BP-10 was illegally denied. I appeal. The MCC arbitrarily denies SAMs inmates access to televisions. At MCCs other pretrial inmates have access to televisions for about 15 hours each day whereas SAMs inmates are restricted to a maximum of one hour per day during the week and zero on the weekend (during rec). Additionally, all other inmates get access to institutional movies and other special content that SAMs inmates do not receive. This denial to SAMs inmates is arbitrary, and therefore punitive, violating the 5th amendment's due process clause. SAMs inmates must have access to TVs in their cages. No other inmates are exposed to solitary confinement and the extreme psychological torture associated with this savagery. To be sure every SAMs inmate would rather NOT have a TV in their cage and instead be free of solitary confinement. Since the government instead believes in torture, the next best thing is simply to provide TVs to pretrial SAMs inmates. Additionally, Sentenced SAMs inmates in the BOP have access to TVs in their cells. Therefore, there can be absolutely no excuse as to why Sentenced inmates receive better treatment than pretrial inmates.

DATE

6/7/19

SIGNATURE OF REQUESTER

Part B - RESPONSE

DIR

RECEIVED

JUN 20 2019

Administrative Remedy Section
Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 97815A1

Part C - RECEIPT

CASE NUMBER: _____

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

UPN LVN



PRINTED ON RECYCLED PAPER

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MAY 16, 2019

ebm

JUN 7th

RCVP
RCVP

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054
NEW YORK MCC UNT: 9 QTR: Z02-201LAD
150 PARK ROW
NEW YORK, NY 10007

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OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 977815-R1 REGIONAL APPEAL
DATE RECEIVED : MAY 10, 2019
SUBJECT 1 : OTHER OPERATIONS
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: YOU MUST FIRST FILE A BP-9 REQUEST THROUGH THE INSTITUTION
FOR THE WARDEN'S REVIEW AND RESPONSE BEFORE FILING AN APPEAL
AT THIS LEVEL.

Regional Administrative Remedy Appeal

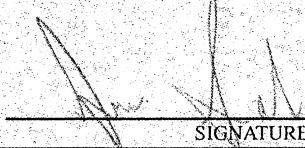
Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Schiff, Justia A 74471654 105 HCC
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL Reg. est. some privileges granted sentenced SAM inmates - TVs I did not receive a response to my BP-9, dated on 3/29/19, and it has exceeded the 10-day time frame. The MCC denies BOPC SAM inmates access to television. At MCC, the general inmates have access to television for a maximum of 15 hours per day, whereas SAM inmates are restricted to a maximum of one hour per day. Being the user, BOPC inmates are allowed to have 15 hours of television per day, but the SAM inmates are not allowed to have 15 hours of television per day. This denial to SAM inmates is arbitrary and therefore punitive, violating the 8th Amendment's due process clause. SAM inmates must have access to television in their cages. In response to my RPA, the MCC said that there are no inmates at this facility with television in their cells. While this is true, no other inmates are exposed to solitary confinement for the extreme psychological torture assigned with the stripper to be sure every BOPC inmate with access to TV within cage and not be free of solitary confinement. Since the government instead believes in torture, the next best thing is simply to provide TVs to potential SAM inmates. Therefore, there can be absolutely no excuse as to why condemned inmates receive better treatment than potential inmates.

5/1/19

DATE

 SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE RECEIVED
 FEDERAL BUREAU OF PRISONS
 REGIONAL COUNSEL OFFICE
 MAY 10 2019

NERO-PHILADELPHIA

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

FIRST COPY: REGIONAL FILE COPY

CASE NUMBER: 97785R1

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL